

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

LAURIE-JO STRATY; TEXAS ALLIANCE
FOR RETIRED AMERICANS; and
BIGTENT CREATIVE,

Plaintiffs,

v.

GREGORY ABBOTT, in his official capacity as
Governor of the State of Texas; and RUTH
HUGHS, in her official capacity as Texas
Secretary of State,

Defendants.

CIVIL ACTION NO. 1:20-cv-01015-RP

**MOTION TO STRIKE EXHIBITS TO PLAINTIFFS' MOTION FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

1. Defendants lodge the following objections to certain exhibits filed by Plaintiffs attached to their motion for temporary restraining order and preliminary injunction and request that the Court strike them from the record.

Exh. No.	Title	Objection
1	Declaration – Bryant, J.	<p>¶ 4: FRE 802 – Hearsay as to communications with members of Texas Alliance of Retired Americans (TARA) and other unnamed “political organizers.”</p> <p>¶ 6: FRE 802 – Hearsay as to unspecified reports concerning delays at the United States Postal Service (USPS).</p> <p>¶ 7: FRE 601/702 – Lack of personal knowledge and understanding regarding how Governor Abbott’s October 1, 2020 proclamation impacts “other vulnerable people”; lack of personal knowledge as to whether various members will be able to arrange public transportation.</p> <p>¶ 8: FRE 802 – Hearsay as to any communications with other TARA members about their understanding or confusion regarding delivery locations.</p> <p>¶ 9: FRE 601/701 – Lack of personal knowledge as to what “obstacles” supporters of TARA-endorsed candidates will face when voting.</p>
2	Declaration – Michon, N.	<p>¶ 4: FRE 802 – Hearsay as to unnamed reports concerning delays at the USPS.</p>
3	Declaration – Shaw, R.	<p>¶ 5: FRE 802 – Hearsay as to conversations with other voters about mail-in voting.</p> <p>¶ 6-7, 10: FRE 802 – Hearsay as to all conversations with “friends, family members, and neighbors” as well as any reports read on the smartphone application “Nextdoor.”</p> <p>¶ 8: FRE 601/702/802 – Hearsay as to emails declarant received as Harris County Precinct Chair; lack of personal knowledge as to whether voters would prefer to vote in person versus voting by mail.</p> <p>¶ 9: FRE 601/702/802 – Hearsay as to information from television news report; lack of knowledge and understanding regarding the accuracy of reliability and accuracy of vote-tracking technology.</p>

4	Declaration – Stupak-Shaw, E.	¶ 6: FRE 802 – Hearsay as to the unspecified reports of delivery delays and information obtained on the smartphone application “Nextdoor.” ¶ 10: FRE 601/702 – Lack of personal knowledge as to the “troubles voters in the Houston area will face.”
5	Declaration – Straty, Laurie-Jo.	¶ 8: FRE 601/702 – Lack of personal knowledge and understanding as to the length of lines at delivery locations and potential traffic congestion.
6	Declaration – Golden, P.	¶ 6, 10: Lack of personal knowledge and understanding as to the length of lines at the Harris County delivery location. ¶ 7, 9: FRE 802 – Hearsay as to the unspecified reports concerning the USPS.
7	Declaration – Rosas, A.	¶ 4: FRE 802 – Hearsay as to the unspecified reports concerning the USPS.
8	Declaration – Dearing, K.	¶ 6: FRE 802 – Hearsay as to the unspecified reports concerning the USPS.

PRAYER

Defendants respectfully request that the Court sustain Defendants’ objections to the above listed exhibits and strike them from the record in this case.

Date: October 8, 2020

KEN PAXTON
Attorney General of Texas

Respectfully Submitted.

/s/ Patrick K. Sweeten
PATRICK K. SWEETEN
Associate Deputy for Special Litigation

TODD LAWRENCE DISHER
Deputy Chief for Special Litigation

WILLIAM T. THOMPSON
Special Counsel

ERIC A. HUDSON
Special Counsel

KATHLEEN T. HUNKER
Special Counsel

OFFICE OF THE ATTORNEY GENERAL
P.O. Box 12548 (MC-009)
Austin, Texas 78711-2548
Tel.: (512) 936-1414
Fax: (512) 936-0545
patrick.sweeten@oag.texas.gov
todd.disher@oag.texas.gov
will.thompson@oag.texas.gov
eric.hudson@oag.texas.gov
kathleen.hunker@oag.texas.gov

**COUNSEL FOR THE GOVERNOR OF TEXAS AND
THE TEXAS SECRETARY OF STATE**

CERTIFICATE OF CONFERENCE

I certify that on October 8, 2020, I conferred with counsel for Plaintiffs about the foregoing motion. Plaintiffs oppose.

/s/ Patrick K. Sweeten

PATRICK K. SWEETEN

CERTIFICATE OF SERVICE

I hereby certify that on October 8, 2020, I electronically filed the foregoing document through the Court's ECF system, which automatically serves notification of the filing on counsel for all parties.

/s/ Patrick K. Sweeten

PATRICK K. SWEETEN